

REMARKS

The Office Action dated August 17, 2006 has been received and carefully noted. The above amendments to the claims and the following remarks are submitted as a full and complete response thereto.

Claims 1, 5, 7-13, 15, and 16 are amended, and claims 2-4 are cancelled without prejudice. Applicants gratefully acknowledge the indication that claims 3, 5 and 9 would be allowable if rewritten into independent form. Accordingly, claim 1 is amended to incorporate the subject matter of cancelled claims 2 and 3, and claims 5 and 9 are amended into independent form including base claims 1 and 4. Claims 15 and 16 are amended to incorporate the subject matter of claim 9 which was indicated as allowable. Thus, no new matter is added. Claims 1 and 5-30 are respectfully submitted for consideration.

The Office Action rejected claims 1, 2, 4, 6-8, and 10-30 under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,225,944 to Hayes (Hayes). Applicants respectfully submit that Hayes fails to disclose or suggest all of the features recited in any of the pending claims. The rejection of claims 2 and 4 is moot in light of the cancellation of these claims.

As started above, claim 1 is amended to incorporate the subject matter of claims 2 and 3, claim 5 is amended into independent form incorporating the subject matter of claim 4, and claim 9 is amended into independent form. Thus, claims 1, 5 and 9 and their dependents are allowable.

Claims 15 and 16 are amended to incorporate the subject matter of claim 9, which was indicated in the Office Action as being allowable. Thus, Applicants respectfully submit that claims 15 and 16 are allowable.

With respect to claims 23-30, Applicants respectfully submit that Hayes fails to disclose or suggest all of the features of these claims.

Claim 23, from which claims 24 depends, is directed to user equipment. A controller configured to activate a process for determining information about a location of user equipment in response to detection that information about the location of the user equipment is required. A location information processing entity is configured to process information required by the location determining process. A transceiver is configured to provide wireless communication of information required by the location determining process for communication of first location service information used in determining on a control plane and second location service information used determining information about the location of the user equipment on a user plane and to communicate the information relating to determination of a location of user equipment.

Claim 25, from which claims 26 and 27 depend, is directed to a node for a communication system configured for processing location information. A controller is configured to activate determination of information associated with a location of user equipment in response to detection that information about the location of the user equipment is required. A connection unit is configured to communicate first location service information used in determining information about the location of the user

equipment on a control plane and second location service information used in determining information about the location of the user equipment on a user plane.

Claim 28 is directed to a gateway for a communication system configured for processing location information. A controller is configured to activate determination of information associated with a location of user equipment in response to detection that information about the location of the user equipment is required. A connection unit is configured to communicate at least one of first location service information and second location service information used in determining information about the location of the user equipment with user equipment that is configured to communicate said first location service information on a control plane and said second location service information on a user plane.

Claim 29, from which claim 30 depends, is directed to user equipment. An activating means activates a process for determining information about a location of user equipment in response to detection that information about the location of the user equipment is required. A location information processing means processes information required by the location determining process. A communication means communicating information required by the location determining process for communication of first location service information used in determining information about the location of the user equipment on a control plane and second location service information used in determining information about the location of the user equipment on a user plane.

Applicants respectfully submit that each of the above claims recite features that are neither disclosed nor suggested by Hayes.

Hayes is directed to reporting the location of a mobile phone by locating a Global Positioning System (GPS) receiver in a mobile communications network. The method first determines the location of the GPS receiver, processes data identifying the location, then synthesizes the location information into a Tele-type (TTY/TDD) compatible format and transmits the location. A TTY/TDD device at a receiving station will process the location data to identify the location of the mobile phone. In one aspect, the method is implemented through modular programming. The invention is also a mobile phone capable of transmitting location information gathered by a Global Positioning System (GPS) receiver to a Public Safety Answering Point (PSAP). The mobile phone houses a transceiver, a GPS receiver, and a Tele-type (TTY/TDD) synthesizer in communication with the GPS receiver and the transceiver.

Applicants respectfully submit that Hayes fails to disclose or suggest at least the feature of a transceiver is configured to provide for wireless communication of information required by the location determining process for communication of first location service information used in determining on a control plane and second location service information used determining information about the location of the user equipment on a user plane and to communicate the information relating to determination of a location of user equipment, as recited in claims 23-30. Hayes teaches that information for determining the location of a user equipment is either sent across the

voice channel (user plane) or alternatively sent across the control channel (control plane). Hayes is silent with regards to sending of some location information over the control plane and additional location information over the user plane. In an embodiment of the present invention, a request for information about the location of the user equipment is sent to the user equipment over the control plane, and in response to the request, a request for supporting information is sent from the user equipment to the communication system on the user plane. Further, Hayes uses the control plane to invoke a call connection to request its location, the invocation of a call connection cannot reasonably be interpreted as location service information. The invocation of a call connection does not include, for example, a location request sent over the control as appears to have been suggested in the Office Action. While the control data is used to invoke a call connection which can subsequently be used to transmit location service information, the control data referred on page 3 of the Office Action is not location service information which is used in determining information about the location of the user equipment, such as a request for information about the location of the user equipment. Such a request is not sent over the control plane during invocation of a call connection as appears to be suggested in the Office Action.

Applicants respectfully submit that because claims 6-8, 17-22, depend from allowable claims 1, 5 and 16, these claims are allowable. Applicants further submit that because claims 24, 26-27 and 30 depend from claims 23, 25, and 29, respectively, these

claims are allowable at least for the same reasons as claims 23, 25, and 29, as well as for the additional features recited in these dependent claims.

Based at least on the above, Applicants respectfully submit that Hayes fails to disclose or suggest all of the features recited in claims 1, 5-8 and 10-30. Accordingly, withdrawal of the rejection of claims 1, 5-8 and 10-30 under 35 U.S.C. 102(b) is respectfully requested.


Applicants respectfully submit that each of claims 1 and 5-30 recites features that are neither disclosed nor suggested in any of the cited references. Accordingly, Applicants respectfully request that each of claims 1 and 5-30 be allowed and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time.

Any fees for such an extension together with any additional fees may be charged
to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Additional Claim Fee Transmittal
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